

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ROSS THOMAS BRANTLEY III,
TDCJ No. 1851307; Tarrant Cty. CID
#0653759,**

Petitioner,

v.

Civil Action No. **3:18-CV-810-L**

**TARRANT COUNTY JUSTICE
CENTER,**

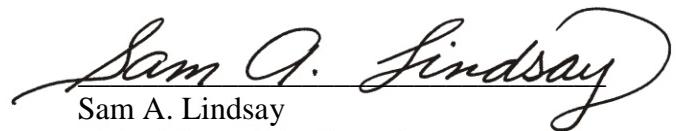
Respondent.

ORDER

On April 4, 2018, United States Magistrate Judge David L. Horan entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that Petitioner’s habeas petition be construed as successive and transferred to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3). On April 23, 2018, Petitioner filed an objection to the Report (Doc. 14). Petitioner’s objection, however, is insufficient to overcome the magistrate judge’s recommendation because the court does not have jurisdiction to hear unauthorized successive petitions and he has not alleged otherwise.

When a petition is deemed successive, the district court lacks subject matter jurisdiction unless a panel of the Fifth Circuit allows the successive petition to proceed. After reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **directs** the clerk of the court to **transfer** the habeas petition in this case to the Fifth Circuit for determination.

It is so ordered this 30th day of July, 2018.



Sam A. Lindsay
United States District Judge